

REMARKS

Claims 14 and 17 have been amended. Claims 14, 15, and 17 are pending in this application. Applicant reserves the right to pursue the original claims and other claims in this and other applications.

This Amendment is in response to both versions of the Final Office Action dated September 21, 2006.

Claims 14-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Taniguchi et al., U.S. Patent No. 5,901,123 ("Taniguchi"). The rejection is respectfully traversed.

Applicant respectfully submits that Taniguchi does not disclose the subject matter of independent claims 14 and 17. Specifically, Taniguchi does not disclose or suggest an information recording apparatus having a first sync pattern "formed as a space on the recording medium" and having a second sync pattern "formed as a mark on the recording medium," as recited by claim 14 (emphasis added). Similarly, with regard to claim 17, Taniguchi does not disclose or suggest an optical recording medium for use in an information recording apparatus which comprises a sync pattern "formed as a space on the recording medium" and that "a position of a data mark matches with a position of at least one of the prepits" (emphasis added).

Although Taniguchi teaches in FIG. 2 that the sync information has even and odd patterns, Taniguchi does not disclose or suggest the "pattern" of the sync information being "formed as a space on the recording medium." Instead, Taniguchi teaches recording the "patterns" at a "top portion" in each synchronization frame. (Col. 10, lines 26-27). This is different from the claimed invention. Moreover, Taniguchi is completely silent and thus, does not teach, about patterns being "formed

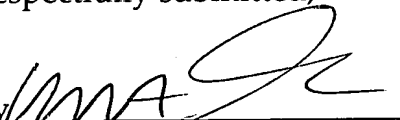
as a mark on the recording medium." The first sync patterns in the claimed invention are formed as spaces on the recording medium and the second sync patterns are formed as marks on the recording medium, such that the information recording apparatus and medium may detect the prepits in the recording medium with high accuracy during the writing process or may detect the prepits from the recorded areas of the recording medium during the reading process. This is something Taniguchi cannot do. Moreover, Taniguchi is completely silent on "a position of a data mark [that] matches with a position of at least one of the prepits," as recited by claim 17.

At least for the reasons mentioned above, claims 14 and 17 are allowable over Taniguchi. Claim 15 depends from claim 14, and is also allowable at least for the reasons provided above. Accordingly, withdrawal of the rejection and allowance of claims 14, 15, and 17 is respectfully requested.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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